INDEX

Call To Order ....................................... 3
Outline Of Hearing Process .................... 3
Review/Presentation of Affidavits ............ 11
Challenges Vote .................................... 54
Certificate of Notary Public .................... 62

Asheville Reporting Service
111 McDowell Street, Asheville, NC 28801
828-254-9230
10 NOVEMBER 2015                          9:00 A.M.

BY MR. WATSON:

Good morning everyone, it's nine o'clock, we'll go on the record. I'll call the hearing to order at nine o'clock on November 10th for challenges that have been submitted to the Board of Elections. I know some of you were here at the first hearing that we had. Let me review a few things. First of all, this Board will be proceeding as we're sitting now as a quasi-judicial body. This is not an open meeting. This is not some meeting where you just raise your hand and start speaking. This is a hearing so please respect that. Also, we understand that folks own property in Montreat, some of it's been there in the family for years. They have vested interest in Montreat. Please understand that, in and of itself, is not sufficient to entitle someone to vote in Montreat. The laws in our supreme court for years have set out some guidelines and it's not merely taking an oath that you're a U.S. citizen and not a felon, and those things that have been submitted in
some of the affidavits previously. What we're looking for is to see where is your domicile. By that, domicile and residence aren't necessarily interchangeable for voting purposes. Domicile is that place that you call home, spend your time. Think of it as where would you have most of your family pictures, things that are part of your day-to-day life. Where's your driver's license registered to. Where do you put on your tax returns for your home, things like that. Reading a few things here from our supreme court, to establish a change in domicile, I think that's relevant here because at least based on some of the information we've received, there's long voting history, long residential history in other places than Montreat for some of you, and now different ones are claiming well, yeah, I understand that but we just recently moved to Montreat. Well, to establish a change in domicile a person must show an actual abandonment of the first domicile, coupled with an intention not to return to it. The acquisition of a new domicile by actual residence and the intent of
making the new residence a permanent home.  
And I don't mean in the future. I know some 
folks think well, we're going to retire there 
someday. Someday when you do retire there, 
that is your domicile, great, vote. But if 
that is not currently where you are, your 
domicile, place that you return to regularly, 
when business or other matters may take you 
away, this is where you always come back to as 
home. Not vacation place, not someplace you 
might come on a regular basis just for other 
purposes or to get away, but home. That's 
what we're looking for. Those are things 
we're looking for. And if it's not that, then 
here's an opportunity to say I misunderstood. 
I was under a different impression. Some have 
communicated to us. In fact, there was a call 
this morning into this office. I didn't take 
it but our director did, from someone who said 
well, our family's owned this house in 
Montreat for years and I come up there in the 
summer and I visit there from time to time for 
holidays. It's not just do you have an 
interest in the place. Think about people who 
own businesses in another county or businesses
in another city. Their biggest investment may be somewhere other than where their domicile is. That doesn't necessarily give them the right to go and vote over there. You can have interests elsewhere. You can have a vested interest in a community by property ownership, business, many other things. That doesn't necessarily give you a right to vote there.

As far as this Board is concerned, and I want to be very clear about this too, we don't know how you registered. The information that we received, before the Board received it we asked the staff to go through and redact any reference to party affiliation. So we don't know what your party affiliation is. We don't know how you voted in the last election. We don't know who your favorite candidates are or who you support. We don't want to know. Please do not reference any of that in any of your comments. We have asked the staff to take any of that information out of our files. We have not engaged in conversations along those lines, and we don't want to know. That's not relevant to what we're looking at. What we're looking at is only to see what is
your domicile, where's those places that you call home. We have 11 challenges here today. I'd to like to see how many people actually challenged are here? Four. Anyone here as a representative of people that have been challenged?

BY MR. STRONG:
Mr. Chairman, I'm Bill Strong from Montreat, and I am here to represent as the case may be needed the folks who are here. But they are all prepared to testify, themselves.

BY MR. WATSON:
Okay. Mr. Strong, let me ask you, are you an attorney representing them?

BY MR. STRONG:
No.

BY MR. WATSON:
I appreciate you clarifying that. Folks, the statute says it's actually mandatory that a challenge, a registered voter shall appear. If unable, then they may send a representative.

BY MR. STRONG:
Let me just clarify. I am a retired attorney but ---
BY MR. WATSON:

Were you challenged before?

BY MR. STRONG:

No.

BY MR. WATSON:

I'm trying to remember the name. We had a couple of retired attorneys.

BY MR. STRONG:

Right but ---

BY MR. WATSON:

You're not here in that capacity.

BY MR. STRONG:

No.

BY MR. WATSON:

So folks, if you are here we would like to hear from you. We're going to be looking at what we would consider objective criteria, things that would tend to establish where your domicile is. And with that, if there's anyone here who says okay, now it's clear, I understand; I misunderstood before. I thought because I own property there, that was enough and I could vote. Anybody who wants to say gee, sorry, that was a mistake, fine, now is a good time to do it. Again let me say, what
I'm about to say next I truly am not saying this, and I don't think anyone on the Board here would have the intent of threatening anyone or making anyone feel uncomfortable. But we do want to let you know that there can be potentially felony implications in this, so we don't say that to scare you. We're just saying folks, understand this is serious. We take it seriously. We have statutory obligations to procedure. I understand that one gentleman had a medical procedure today and I received call, and asked would we postpone it. I'm sorry, we couldn't because it's set by statute. If I'm not mistaken, are you Mr. Reid?

BY MR. REID:

Yes.

BY MR. WATSON:

And you're here. I'm sorry, Mr. Reid, I understand you have medical ---

BY MR. REID:

I'm thankful for letting me come.

BY MR. WATSON:

I'm sorry that -- the statute sets the time for the hearing and the challenges that we
have today.

BY MR. REID:
I understand.

BY MR. WATSON:
Anything as far as opening from Board members?
All right. We are going to proceed ---

BY MR. STRONG:
Mr. Chairman, would you permit me to just make
a brief statement?

BY MR. WATSON:
No sir, not at this time I will not.

BY MR. STRONG:
We just wanted to respond to some of the
concerns you expressed last time.

BY MR. WATSON:
No, sir. Folks, I appreciate, and I'm not
trying to be rude Mr. Strong. Let me also let
you know just kind of, I guess a housekeeping
matter. This is the day for canvass at the
elections. By statute we have to start
canvass at eleven o'clock, which gives us now
a little less than two hours to conduct these
11 challenge hearings. We're going to take
our time but I'm hoping we can do it before
eleven o'clock because if not, then we're
going to have to take a break until we can finish canvass and then come back, and I don't know what time that will be. So I don't think any of you all are wanting to be hanging around all day either. I'm not trying to be rude, Mr. Strong. I know the things that we have to do here this morning. Again this is a hearing and we're going to move forward with it. And we appreciate your understanding.

I'm going to call these really in no particular order other than the pile they are in my hands. So first Margaret Bouknight Bauer. Ms. Bauer here? Representative for Ms. Bauer? One more time, Margaret Bouknight Bauer. I want to note for the record that Ms. Bauer's husband was here at the first hearing. He appeared personally. He had testimony before the Board, and the Board asked him a number of questions. There were records from that hearing that would reflect that Mr. Bauer testified under oath that he and his wife have two homes in Montreat, and they also have a home in Columbia. They have a son I believe who's 13 years old, I think was the testimony, 13, 14 years old, who is in
school in Columbia, South Carolina and they
plan to be there with him in school until he
graduates. He was specifically asked why is
your son not in school in Owen or some other
school in Buncombe County if you're claiming
that Montreat is your domicile. And his
response was to the effect that he's well
settled there and we intend to stay there. He
gave other testimony which this Board
ultimately concluded that he was not a -- his
domicile was not in Montreat. Now with
regards specifically to Ms. Bauer, two homes
as was noted at the first hearing with regards
to Mr. Bauer. Ms. Bauer has both homes listed
on vacation rental by owner and his listed
that "we live less than three hours away,"
which is her reference to Columbia. She also
states, "We consider Montreat to be our second
home." She has posted that she lives in
Columbia, South Carolina. During the flooding
in Columbia recently, she put pictures on the
Web and posted "this was in front of our house
today." She's had no prior voting history in
Montreat, or Buncombe County I should say.
She requests absentee ballots be mailed to her
Columbia, South Carolina, address. Buncombe County property cards list her Columbia, South Carolina, address as the address with the register of deeds. It appears they are getting the South Carolina primary home tax rate of four percent as opposed to a second home tax rate of six percent. They claim South Carolina as their primary residence for tax purposes. Any other information Board members would like to note? Mr. Keller.

BY MR. KELLER:

No further questions.

BY MR. WATSON:

No questions, we'll go to the next file, next Mary Miller Brueggemann. Ms. Brueggemann, if you're more comfortable it's fine if you want to stay at your seat.

BY MS. BRUEGGEMANN:

I would prefer to sit if I could.

(MARY MILLER BRUEGGEMANN SWORN)

BY MR. WATSON:

If you'll give us a moment, you submitted an affidavit, give us a moment and we'll read through that.

(OFF THE RECORD)
BY MR. STRONG:
Mr. Chairman, I do have a question.

BY MR. WATSON:
Mr. Strong, please, we're in the hearing and
taking testimony from Ms. Brueggemann.

BY MR. STRONG:
This is germane to Ms. Brueggemann.

BY MR. WATSON:
Ms. Brueggemann -- I'm taking testimony from
her if you'll let her speak and let us conduct
that, I appreciate it, sir. Ms. Brueggemann,
thank you for the affidavit. I do have a
couple of questions for you, and I'm sure
maybe some of the other Board members will as
well. I will let them begin if they would
like. Ms. Smith, do you have any questions?

BY MS. SMITH:
Do you claim the Givens Estate home?

BY MS. BRUEGGEMANN:
No, I have a rental house. I'm 80 years old.
I felt last winter that I was having trouble
in December when the snows came, and because
my twin brother lives there I rented a place.
But I applied even in 2009 for it not knowing
when I would have to move. My name came up
this August is when I read it. But most of
the time since August I've been back and forth
to Montreat. So basically have two homes. I
pay all the bills in both homes. That's
expensive but because of my age and my twin
brother and his wife, who had Alzheimer's,
I've done that. But Montreat is definitely my
home. I don't do -- I do not participate in
any activities in Montreat. I noticed that
you have the thing from the Highland, I'm sure
Tom Johnson gave you that, because you have to
do that. You have to be interviewed, and they
think it's all wonderful. I just don't go
there. All my activities are in Montreat as I
told you, I listed some.

BY MR. WATSON:
Ms. Brueggemann, let me see if I understand,
you said you don't do any of the activities in
Montreat ---

BY MS. BRUEGGEMANN:
No, I meant Highland. Did I say Montreat? My
bridge club is in Montreat ---

BY MR. WATSON:
That's fine, I just wanted to make sure that
you hadn't misspoken. And Ms. Smith just
asked about the Givens Estate. This is not
Givens Estate. You're at ---

BY MS. BRUEGGEMANN:

No, but Highland Farms is owned by Givens, so
I understood what she was saying. But it's
now called Givens Highland Farms. They bought
it. Givens is much further away.

BY MR. WATSON:

Highland Farms, you in one of the little
cluster homes ---

BY MS. BRUEGGEMANN:

Right. So I'm allowed seven meals in the
dining hall. I've yet to use those seven
meals. A month, excuse me. That means I
paid it so it's a bit of a problem.

BY MR. WATSON:

You can rent those homes?

BY MS. BRUEGGEMANN:

It is technically a rental home. They changed
that about two years ago. You used to buy
them, now you rent them. And I don't
understand the tax consequences, because I'm a
clergy person somebody's going to have to tell
me when tax time comes. But in the year 2015,
I have spent the majority of my time in
Montreat. It never occurred to me. You saw my voter registration, where else would I vote? Even if I thought otherwise, why would I not vote in Montreat?

BY MR. WATSON:

I'll tell you it presents an interesting question for the Board because, little bit of education here, we're a very transient society, and folks move, people move within the county. They can move within the town. I've moved from one side of Black Mountain to the other side. Our office here, the law is that one of the things we look at is where does someone physically lay their head, and that has been applied very literally. There have been cases where a precinct line has run through a house and the question comes down to where is your bedroom; where do you sleep in the house, which side of the line is that on. If folks knew some of the minute questions we have to sort out, you really wouldn't -- this is not as clean as we would all like it to be. So it presents an interesting question for us because we understand that you have always been in Montreat, many, many years in
Montreat, that’s your home ---

BY MS. BRUEGGMANN:

I moved there permanently in 2000 ---

BY MR. WATSON:

You have a long family history there ---

BY MS. BRUEGGMANN:

Yes, I told you about my father buying it.

BY MR. WATSON:

And about the picture of you as a little girl.

BY MS. BRUEGGMANN:

Right.

BY MR. WATSON:

So you have deep roots there and you moved there, when did you say ---

BY MS. BRUEGGMANN:

2013. And sold my other house in Decatur, Georgia.

BY MR. WATSON:

But again it’s an interesting question for us because now it appears you may have moved again. So where do you lay your head? That, in and of itself, is not determinative either. We have to look at the totality of the circumstances, all the facts. So I want to sort of recap what you've said, and I don't
want to put words in your mouth. I'm asking you please correct me, add to or take away anything I may misstate here. But is it your testimony before the Board that you still consider Montreat your permanent domicile ---

BY MS. BRUEGGMANN:
Absolutely.

BY MR. WATSON:
--- that your place in Givens is a rental which you go to ---

BY MS. BRUEGGMANN:
I've spent the majority of 2015 in Montreat. Most of the month of October I was in Montreat. That doesn't mean I don't come and go. The bedroom in Montreat is just like the bedroom on Wagon Trail.

BY MR. WATSON:
Where did you spend last night?

BY MS. BRUEGGMANN:
I spent last night at Wagon Trail. If that was the requirement in the law, I would have gone to Montreat. I actually spent the afternoon in Montreat. I was cleaning house in Montreat in spite of the rain.

BY MR. WATSON:
How about the night before?

**BY MS. BRUEGGEMANN:**

I spent it at Wagon Trail, but it does not say that in the statutes. I would have gone up there.

**BY MR. WATSON:**

We're not requiring that you spent last night in Montreat. But really what we are looking for is where are you spending most of your time. Where are you sleeping?

**BY MS. BRUEGGEMANN:**

Most of this year was in Montreat. That doesn't mean ---

**BY MR. WATSON:**

How about next year where do you intend ---

**BY MS. BRUEGGEMANN:**

I have not the slightest notion what I'm going to do about next year. I've got to get through the winter. I have steps in Montreat that were very hard for me in the winter when the snows came. And I said to myself, I'm not sure, I'm alone. I've got Bay Alarm System; do you know what that is?

**BY MR. WATSON:**

No.
BY MS. BRUEGEMANN:

It's like Life Alert, because I was frightened and I had my twin brother calling me every morning to make sure I was okay. I have severe arthritis so to go through the winter in Montreat when it's snowing is very dangerous. So that's one of the reason you have to go Highland Farms when they take out, and August was when they took me. But I went back in September, went back in October. I don't know how else to explain it to you.

BY MR. WATSON:

And I want to thank you for ---

BY MS. BRUEGEMANN:

And let me also say, nobody ever said a word to me about voting. I'm absolutely shocked that this would even come up, because it's so clear that I'm from Montreat. Now whether I voted wrong I don't know.

BY MR. WATSON:

I don't want to know how you voted. And I don't know that you could vote right or wrong, you have to vote your conscience. But I appreciate also, I want to say thank you for the testimony that you've given us. They are
very helpful and instructive to the Board. Those are the kinds of things that we tend to look for. I have no other questions.

Mr. Keller, any questions?

BY MR. KELLER:

No, thank you.

BY MR. WATSON:

Ms. Smith?

BY MS. SMITH:

No, thank you.

BY MR. WATSON:

Mr. Strong, is there something you feel is burning that needs to be added to this, or are we good to move on?

BY MR. STRONG:

We'll move on now.

BY MR. WATSON:

Thank you, sir. Next in my file is Mr. Don Reid. I think it was last Thursday I believe, after the challenge had been filed on -- a day or two after the challenges had been filed and before we knew who the names were, challenges came in they were received and we did not receive the names -- I received a call from a friend who is in town and we were chatting
about this that and the other, and there were
several things. I was actually standing in
line with another person to have lunch, so I
said I need to go, and he said before you do I
have one other thing I need to bend your ear
on. And he launched into something about the
hearings and mentioned the Reids particularly.
So I said you know -- I was asked at the time
could we put it off, Mr. Reid had a medical
matter. And I said sorry, I cannot because
it's statutorily set. I got off of that
conversation as quickly as I could. But
because of that, I'm going to recuse myself
from the hearings on the Reids because there
was a conversation that I got a little
ambushed with. I didn't invite it, didn't
know it was coming. It was at the opening
part of the conversation, but simply because
I've had a conversation about this outside of
this, and that's essentially I've told you the
essence of the conversation. But I don't even
want there to be any hint of any problems so
I'm going to let Mr. Keller and Ms. Smith at
least do the questioning on this and I will
refrain from voting on the Don Reid file.
BY MR. WATSON:

If you have information you want to submit you may submit it now.

BY MR. REID:

Lots of questions they want to ask, and you have answered many of them for us. Primary care physician is in Black Mountain. Members of the racquet club, pharmacy in Black Mountain, official pharmacy. You have a business in Montreat; do you still have a business in Charlotte, Don Reid Associates?

BY MR. REID:

I sold my business in 2005, and have maintained the name Reid Associates. But I do some work mostly free, my friends expect that. So I do a lot of it, occasionally I've done a little bit of work but not much.

BY MR. KELLER:

Receive mail both in Montreat and Charlotte, Montreat safely post office box.

BY MR. REID:

Yes.

BY MR. KELLER:

Bank accounts in Black Mountain. Do you own a
BY MR. REID:

Not yet, my neighbors have.

BY MR. KELLER:

There are a lot more dogs, residential dogs here from where we moved.

BY MR. REID:

They're better friends than my neighbors sometimes.

BY MR. KELLER:

You've sought some advice from attorneys in North Carolina about registering ---

BY MR. REID:

I have a good friend, Michael Dickerson who is the Trena Parker of Charlotte Mecklenburg, and I went to him. I was trying to prevent having to put you through this or me through this, so I did the best I could to try to make sure that I was following the letter and the spirit of the law. So I went to Michael and presented all the stuff that I've given you. And he told me that -- I know he's not the authority, you are, but I did the best I could to try to prevent -- I know you guys would rather not be here, you'd rather be somewhere
else and so would I. So I was trying to
prevent that. And I obviously did not, but I
wanted you to know that I didn't take it
lightly. I also went to two attorneys in
Charlotte, good friends of mine who are
familiar with government. I know your work
because I was on the city council in Charlotte
for a year, so I'm very familiar with what you
do, appreciate what you do. I know the
difficulty of what you do, and also it's a
pretty thankless job. So I was trying to make
it easy for all of us, and I hope that this
information that I presented will prove that
we are residents here. Yes, we have a house
in Charlotte and I intend to keep one. We
probably will have a smaller house once I'm
able to sell the larger house, but you know,
it's hard to know where do you live. Well, I
lived in Montreat for four years but I haven't
really registered to live here. So I feel
that legitimately that I've done the best I
could to establish a residence and still
maintain my residence in Charlotte which I
enjoy. We have children there.

BY MR. KELLER:
I understand that. I do wish if I were king for a day, define domicile, define residence, define second home, which I think is a phrase that doesn't make any sense. You have a home, lots of houses but only one can be the domicile and that's what we're looking for.

BY MR. REID:

I understand the difficulty.

BY MR. KELLER:

I appreciate the document, it answers most of my questions. That's all I can think of.

Ms. Smith, what do you have for questions?

BY MS. SMITH:

Nothing, thank you.

BY MR. KELLER:

No further questions, thank you very much. Is there anything further you'd like to add?

BY MR. REID:

No, this is all I have. On the record I want you to know my friend came in his own volition. I certainly had nothing to do -- I didn't know who you were.

BY MR. WATSON:

I didn't think that you had. And also, on the record since you're done testifying here, I do
want to correct one thing you said. There's
only one Trena Parker. Ms. Dale Reid, if
you'll come up. You have a separate challenge
so we will have to hear you separately. Is
there anything you wanted to add in addition
to what your husband's already stated?

BY MS. REID:
I don't think so. We went over everything and
we ---

BY MR. WATSON:
Hold on. There are a couple of questions, and
I need to put you under oath.

(DALE REID SWORN)

BY MR. KELLER:
The challenge says that you teach Sunday
School, which is wonderful, and teaches fourth
grade at Calvary Christian School.

BY MS. REID:
This was in the past. This is in our
directory for the board of trustees, it's a
bio for each person. And that was in the past
and then we changed it. I did that long ago.

BY MR. KELLER:
Other than that, I have no further questions.

Ms. Smith.
BY MS. SMITH:
I do not have any.

BY MR. KELLER:
I was burrowing into the Web site for the church and I said, I guess I'll just ask directly.

BY MR. WATSON:
Let me ask one question. Did you hear the testimony of your husband earlier?

BY MS. REID:
Yes.

BY MR. WATSON:
Don Reid is your husband; correct?

BY MS. REID:
Yes.

BY MR. WATSON:
Did you hear his testimony?

BY MS. REID:
Yes.

BY MR. WATSON:
Do you affirm and agree with everything he stated?

BY MS. REID:
Yes.
Thank you very much.

**BY MS. REID:**

Thank you.

**BY MR. WATSON:**

Sean Barclay. Is Sean Barclay here? Is there a representative for Sean Barclay? Sean Barclay. Any representative for Sean Barclay. Give us just a moment. Ms. Parker, have we had any communication from Ms. Barclay?

**BY MS. PARKER:**

No, sir, no communication.

**BY MR. WATSON:**

Let the record reflect that Sean D. Barclay, whose name was called a couple of times. Ms. Barclay nor a representative for Ms. Barclay has appeared. Voter registration application lists the mailing address of Cary, North Carolina. The absentee ballot request is to be mailed to Cary, North Carolina. Phone number listed on the application, voter application, is a 919 Area Code, which is believed to be the Area Code for that Wake County area. Property cards for Sean Barclay list Cary, North Carolina, as the address for contact, register of deeds. Wake County
property card attached with the same Cary address. There's a voter history showing consistent voting in Wake County at least up through 2004. There is information which would indicate that Sean Barclay is employed in the Raleigh area, Wake County area, managing the Procom Services. Is Jennifer Wick over there?

BY MS. WICK:

Yes, I am.

BY MR. WATSON:

Do you have any information regarding voting in Buncombe or any -- Looking at an up-to-date voter history for Sean D. Barclay, shows voting from '94, consistently all the way through to 2014. No one appearing for Ms. Barclay no questions that can be asked on voter information that can be considered by the Board. Amy Warner Barclay? Amy Warner Barclay. Is anyone here for Amy Warner Barclay, any representative? The record will reflect that Amy Warner Barclay was called, she did not answer, no representative answered on her behalf. The voter application has a mailing address of Cary, North Carolina.
Phone number which appears to be -- it's a 919 Area Code which appears to be Wake County phone number. Absentee ballot request requested that the ballot be mailed to the same address in Cary, North Carolina. That was made October 13th of this year. Registration was July 30th of this year. That the property card of Buncombe County Register of Deeds also has the same Cary, North Carolina, address as the contact address. That Wake County real estate card also attached with the same, Cary, North Carolina. Attached information that appears to be from a LinkedIn site showing Amy Warner Barclay as a recruiter for Procom Services in Raleigh-Durham, North Carolina, area. Ms. Jennifer, do you have anything else? All right. Voter history for Amy Warner Barclay shows pretty consistent voting history 1994 through 2014 in Wake County. Also point of clarification that I previously referenced Sean D. Barclay as female. The voter profile has Sean Barclay listed as female, registration has female checked, but other information which may indicate that in any event a male. This Board
doesn't know, but the registration we are considering is Sean D. Barclay. Amy Warner Barclay at the same address. No representative appearing for Ms. Barclay or her appearing. No questions can be asked of voter information.

BY MR. KELLER:

Historical information they were married in Montreat and they have three children.

BY MR. WATSON:

Ms. Parker, what's the last name of the lady who contacted you this morning?

BY MS. PARKER:

Lyons.

BY MR. WATSON:

the address on the Buncombe County Register of Deeds for the Montreat property also lists same PO box in Lincolnton, North Carolina. That there's a Lincoln County property card showing Lincolnton car repair. There is a very consistent history both general and primary elections from 1988 through 2015, Ms. Boyd having voted in Lincoln County. Ms. Boyd not appearing, no representative appearing on her behalf, no questions or information can be received.

BY MR. KELLER:

On voter registration application she listed post office box in Montreat. But then sent the application for an absentee ballot to Lincolnton.

BY MR. WATSON:

Next is Daniel Marcus Boyd III. Daniel Marcus Boyd III. Anyone here on behalf of Mr. Boyd? No one answering. Record will reflect that Mr. Daniel Marcus Boyd submitted voter registration application September 22, 2015, list a mailing address of post office box in Montreat. Previous voter registration Lincolnton, North Carolina. These addresses
appear to be the same as was in the Diane Hunter Boyd file. That Mr. Boyd also requested that his absentee ballot is sent to a post office box in Lincolnton, North Carolina. He made that request on October 5, 2015. The Buncombe County property card for their property in Montreat lists the same PO box that the absentee ballot was requested to be mailed to, same PO box in Lincolnton, North Carolina, as the address on the property card, Buncombe County Register of Deeds. There's also a Lincoln County property card attached to the file showing property in Lincolnton, North Carolina. Jennifer.

BY MR. KELLER:

Very consistent voting in Lincolnton.

BY MR. WATSON:


(ANN LAIRD JONES SWORN)

BY MR. WATSON:

You sent us an affidavit, give us a moment.

(OFF THE RECORD)
BY MR. WATSON:
You said you preached on Sunday in Mississippi?

BY MS. JONES:
I do.

BY MR. WATSON:
Where is that?

BY MS. JONES:
I preached in a little church out in the country, the Union Church on Sunday. I preach whenever anybody asks me to preach.

BY MR. WATSON:
Were you the pastor of that church?

BY MS. JONES:
No, I'm a member of St. Andrew Presbyterian, which is the northern Mississippi ---

BY MR. WATSON:
Are you supplying that church?

BY MS. JONES:
I just supply -- I probably preach there about five times a year ---

BY MR. WATSON:
They have you listed as a pastor ---

BY MS. JONES:
No, I'm listed as their supply pastor, and
I've been appointed to moderate their session.

**BY MR. WATSON:**

How often is the session?

**BY MS. JONES:**

Usually we meet in January and May, it's whenever I can be -- when I can get back there. Quarterly, January, May. This year we met in October and then we'll probably meet around Christmas.

**BY MR. WATSON:**

Ms. Jones, did you hear earlier the explanation that we gave regarding domicile?

**BY MS. JONES:**

Yes, I did.

**BY MR. WATSON:**

Do you understand that?

**BY MS. JONES:**

I do.

**BY MR. WATSON:**

How long are you claiming that Montreat has been your domicile?

**BY MS. JONES:**

As you can see from my narrative, I have been working here really most of my adult life. I had actually voted ---
BY MR. WATSON:

Can you give me a date? How long -- I'm not tying you down to specifics, but can you tell me approximately when you ---

BY MS. JONES:

I voted here '77, '78, lived here year round and voted and worked. But I've been working my current job as I specified here since 1993.

BY MR. WATSON:

What current job?

BY MS. JONES:

As the director of arts and ministry. But in the last -- I guess 2011 it was made into a year-round position. This year it has been made -- we're working on developing more -- Montreat is about is planning for something called St. John's Bible, which will be here for a year starting next August. So I'm working -- I've resigned from other jobs as I mentioned, I've been a hospice chaplain, and I've been state supplied in another little church, which was every week. I resigned from those two positions in August.

BY MR. WATSON:

Again if you can give me a year roughly. I
heard 2011, but I'm not sure. I don't want to assume ---

BY MS. JONES:

Yeah. I heard you talking about how many --
you know, where do you put your head at night;
where do you lay down at night.

BY MR. WATSON:

That's one factor, that's not determinative.

BY MS. JONES:

2011 I started this new position as a year-round arts ministry director at Montreat. I
work all the time on this, and I'm on call all the time. But beginning this year I realized
that I've been here -- already have spent more time in Montreat now working on this job in
terms of where I sleep, than I have been -- my husband is in Greenville. That's one of the
draws of going back there. We own a house there together. We have -- the reason we have
not sold that house is his mother is 99 and is in her second year of stage four colon cancer,
and he is a primary care person for her. As long as she is alive we cannot sell that house.

BY MR. WATSON:
I hate to ask what's going to sound like a cold and gruesome question, but when she is no longer alive, what are your intentions regarding ---

BY MS. JONES:

To sell that house and move ---

BY MR. WATSON:

Move here.

BY MS. JONES:

Yeah. We'll actually do like many married people do and live in the same place.

BY MR. WATSON:

I'm glad you're at least going back to see him.

BY MS. JONES:

We've been married 31 years and I've been a minister 33 years. I don't think that's a -- I think that's a very fair question. Our conversation every night is how are we going to get all this stuff ---

BY MR. WATSON:

I'll say I have great admiration for her, she's 99 and second year of colon cancer. She must be a tough, tough lady.

BY MS. JONES:
She had surgery last Christmas and the doctor said -- it was her first surgery since 1926 and the doctor said, you know, we don't operate at that time 98, we don't operate on 98-year-olds.

**BY MR. WATSON:**

I'll ask this question I guess a third or fourth time. Can you give me a year that you would say you claim Montreat your domicile?

**BY MS. JONES:**

I think this year is the year that transition was -- I mean my whole life has been working here. My father directed -- this is what our family -- our family works in Montreat. And my mother started the craft shop in its current guise, and I put pictures in there. Did it for 15 years. This is just where our family home has been. As ministers you don't have a permanent place, and Montreat is your place. I'm going to say this year is when the tide really changed, and I was here more than Greenville, but I've been working here year round since 2011.

**BY MR. WATSON:**

That's where I'm going with that, and my
question is if Montreat has been what you consider your home, your domicile for so many years, certainly since 2011 it looks like, why did you wait until October 7 of 2015 to register to vote?

BY MS. JONES:
Because when I counted up the months, I looked at the calendar and figured out that this year had turned the tide. That I was here more. And because of the work on the St. John's Bible, which is going to require that I'm part of the team, and we're working full time on this.

BY MR. WATSON:
So expecting this year to pay North Carolina income taxes?

BY MS. JONES:
I do pay them. I own a little piece of property right now in Buncombe County.

BY MR. WATSON:
How many months then would you say North Carolina's been your domicile? If you're counting this year is when you said sort of the tide was turned --

BY MS. JONES:
So far six and a half.

BY MR. WATSON:

Where is your driver's license?

BY MS. JONES:

It's still Mississippi, but when I registered to vote I read that you are required to get a North Carolina driver's license, so that's on my radar to do that.

BY MR. WATSON:

Any reason you haven't already?

BY MS. JONES:

Because I've been so busy driving around visiting churches. I was in Bowling Green last week and Sumner the week before that. So that's on my radar, I am planning to do that.

BY MR. WATSON:

Where have you spent most of your time 30 days prior to this election?

BY MS. JONES:

I've been in ---

BY MR. WATSON:

I don't mean travel, I'm talking about as far as domicile. Either here or your Missouri home ---

BY MS. JONES:
Mississippi.

BY MR. WATSON:
I mean Mississippi.

BY MS. JONES:
Well, I've been doing -- I've done two
retreats. I've been at three different
churches. I visited my mother in Kentucky. I
had a week in Greenville with my husband.

BY MR. WATSON:
When you do sleep, which sounds rare, where
for the 30 days prior did you spend most of
your nights?

BY MS. JONES:
It's a real mixture. It was Kentucky,
Mississippi. It's a mixture. I was really
literally traveling.

BY MR. WATSON:
Where do you plan to claim as your state of
residence for tax purposes with the IRS this
coming year?

BY MS. JONES:
I plan to claim North Carolina. My husband
will claim Mississippi.

BY MR. WATSON:
You don't file joint?
BY MS. JONES:

We do, so that will be a little complicated.
Because we do own our house together in
Mississippi. I don't own a house -- it's my
parents' house in Montreat.

BY MR. WATSON:

Do you have a forwarding order in place at the
Montreat post office?

BY MS. JONES:

I do not.

BY MR. WATSON:

Not forwarded to Mississippi?

BY MS. JONES:

No. In December I'm going to be gone for a
month, which I might do ---

BY MR. WATSON:

Currently?

BY MS. JONES:

No.

BY MR. WATSON:

So the absentee ballots that you requested,
you received those where?

BY MS. JONES:

Mississippi.

BY MR. WATSON:
So where did you actually receive the ballot?

BY MS. JONES:
I received it at 1130 Arnold Avenue in Greenville.

BY MR. WATSON:
Ms. Jones, I'm just curious, in your registration application -- I think you filed two applications with the office?

BY MS. JONES:
The first one was apparently lost and Barbara Johnson called me and said we need another.

BY MR. WATSON:
I've got one October 2nd and one October 9th. The one October 2nd it appears you were writing the Arnold Avenue address as your mailing address, and scratched through that and put a PO box in Montreat. And the one October 9th when you do have a PO box in Montreat ---

BY MS. JONES:
By then, by the -- she called and said we can't find it, so I just wanted to make sure I got it.

BY MR. WATSON:
I guess I'm just puzzled by you say you don't
have a forwarding address on the Montreat PO box. You gave that as your mailing address.

BY MS. JONES:
I was here.

BY MR. WATSON:
But you requested on the same date that they send your absentee voting information to a Greenville, Mississippi, address, which indicated that you're really more in Greenville.

BY MS. JONES:
No, that indicates that I was traveling during those weeks and had looked to see when I needed to mail that to get to you all in time.

BY MR. WATSON:
So you were trying to forecast where you would be ---

BY MS. JONES:
I was trying to forecast where I could land and get that. One thing I mentioned in here is we -- our house like many houses in Montreat, by ministry families was not winterized for a long time. One of the things that has happened in the last two years is we have done some remodeling so that it now has
some heat. So that's one of the reasons that
I was not able to be here in the winter.

BY MR. WATSON:
Is it winterized?

BY MS. JONES:
It has been, yeah. It is winterized.

BY MR. WATSON:
I'll tell you our first year of marriage we
rented a house in Montreat. It had heat but
no insulation. And I promise you I am not
exaggerating, my poor wife and I watched the
curtains stand out from the wall with the
wind. It had heater but it had no heat
because it was not winterized. Yours is
winterized.

BY MS. JONES:
When I lived here before -- when I lived in
our house till the end of November when it was
so cold you put on all your clothes and you
were still cold. So I rented a house from at
that time she was Charlotte Faucette and now
she's Charlotte Chestnut, but rented her house
on Quillan Lane, which had a wood stove but --
it was so cold. We now have heat, which will
mean that I will be able to be here.
BY MR. WATSON:

Any other questions? Anything else you'd like to submit to the Board?

BY MS. JONES:

I just wanted to thank you for hearing me today, and also to say that I take voting really seriously. And also that my life in Montreat, this is where I'll be.

BY MR. WATSON:

Far as voting in Mississippi, you have voter registration there?

BY MS. JONES:

No, I understood that was it ---

BY MR. WATSON:

I understand why ---

BY MS. JONES:

On the form it has that you put Washington County, Mississippi, so I assumed that was taken care of.

BY MR. WATSON:

You need to notify them.

BY MS. JONES:

But I have not voted.

BY MR. WATSON:

Don't intend to vote?
BY MS. JONES:

I don't intend to vote. I'm not interested in voting there.

BY MR. WATSON:

Your husband's getting here as soon as he can.

BY MS. JONES:

Yes. It's difficult, we don't want to urge his mother on. People seem to live a long time in Mississippi.

BY MR. WATSON:

Thank you. Next Douglas Laird Caulfield.

BY MS. PARKER:

There's really no challenge there because Mr. Caulfield ballot was never returned.

BY MR. WATSON:

That ballot was not returned so we have no ballot to consider. That leaves Patricia Ann Lyons. Is there a representative here for Ms. Lyons? Patricia Ann Lyons, any representative for Ms. Lyons? We received a call from Ms Lyons, indicated she may try to get a representative. It approximately 10:20. In that conversation did you indicate to Ms. Lyons that we would be here till eleven?

BY MS. PARKER:
Probably, yes.

BY MR. WATSON:

She indicated that she may try to get someone here?

BY MS. PARKER:

She had some friends and family that she was going to try to contact to appear. My impression when we hung up that she was going to try her best to get someone to appear.

BY MR. WATSON:

We have to start canvass at eleven o'clock. We are going to be at recess then till about ten till eleven. At ten till eleven we will resume, unless someone comes in and identifies themself, then please notify us and we'll call the meeting immediately back to order. Otherwise at about ten till eleven we'll see if there's anyone here for Ms. Lyons. Then we'll conclude if not, move to canvass. Actually let's do it quarter till in case someone appears, we want to be able to tend to the ---

BY MS. PARKER:

That is a good idea, proposing another idea which is you could go ahead and deal with the...
ones that you've already ---

BY MR. WATSON:

We can do that. Yes, we can go ahead and do that and then have only that one outstanding.

BY MS. PARKER:

This does have to be finished before canvass because it determines whether or not we add those ballots in the mix.

BY MR. WATSON:

As I'm thinking through this, we're going to go ahead and consider Ms. Lyons if someone appears, we'll reopen hers and consider any new evidence they may have. Otherwise we'll have that taken care of. What we'll do then is about ten to eleven I will call again for her or a representative, and we'll go ahead and consider hers. Patricia Ann Lyons, no one here appearing for her and she not appearing. Ms. Parker, when you spoke with Ms. Lyons this morning did she identify where she was at the time she called you?

BY MS. PARKER:

Yes, she was in Texas.

BY MR. WATSON:

She stated she was in Texas. Did she make any
statements regarding her home in Montreat, property in Montreat?

BY MS. PARKER:
She stated that she had -- her family had owned a house for years in Montreat.

BY MR. WATSON:
Did she say anything about how often she's up here?

BY MS. PARKER:
She said she spends summers and vacations in Montreat.

BY MR. WATSON:
No one appearing for Ms. Lyons at this time, we will recall her about quarter till eleven, or if someone shows up for her. At this time, we'll note for the file that her voter registration application listed a mailing address in Muldoon, Texas, filed October 4th; that her absentee ballot request form asked that the ballot be sent to the same address in Muldoon, Texas. That property card for Montreat property with Buncombe County Register of Deeds lists the same address in Muldoon, Texas. There's also attached information which appears to be maybe a
property card from Texas regarding the property there. It appears that they are also claiming the homestead exemption in Texas. Jennifer, is there anything you have over that would be instructive for us?

BY JENNIFER:
I have the same thing that you have. No voting history.

BY MR. WATSON:
She did call into the office, indicated that she was in Texas, that she spent summers here and some holidays. We'll hold that one, hold a vote on that one till quarter till. As to the others, first Mary Bouknight Bauer, call for a vote on sustained or overruled. Just so we're clear sustained is that the challenge is sustained, that the voter is not qualified to vote in Buncombe County so that ballot will not be counted. Overruled is that the challenge is not supportive of findings of the Board and therefore the voter is deemed -- the registrant is deemed a valid voter and their ballot will be counted. Any questions on that, sustained or overrules? Margaret Bauer, Mr. Keller, sustained or overruled?
BY MR. KELLER:
Sustained.

BY MR. WATSON:
Ms. Smith?

BY MS. SMITH:
Sustained.

BY MR. WATSON:
Chair votes sustained as to Ms. Bauer. Mary Miller Brueggemann. Mr. Keller, sustained or overruled?

BY MR. KELLER:
Overruled.

BY MR. WATSON:
Ms. Smith?

BY MS. SMITH:
Sustained.

BY MR. WATSON:
Chair will overrule, challenge is overruled.
I'll call for the vote but I will not participate in the vote for Don Reid.
Mr. Keller?

BY MR. KELLER:
Overruled.

BY MR. WATSON:
Ms. Smith?
BY MS. SMITH:

Overruled.

BY MR. WATSON:

Mr. Reid's challenge is overruled, ballot will be counted. Dale Reid. Mr. Keller.

BY MR. KELLER:

Overruled.

BY MR. WATSON:

Ms. Smith.

BY MS. SMITH:

Overruled.

BY MR. WATSON:

Dale Reid's challenge is overruled, ballot will be counted. Sean Barclay, no one appeared for that. Mr. Keller.

BY MR. KELLER:

Sustained.

BY MR. WATSON:

Ms. Smith.

BY MS. SMITH:

Sustained.

BY MR. WATSON:

Chair sustained, Sean Barclay challenge is sustained, that ballot will not be counted. Amy Warner Barclay. Mr. Keller.
BY MR. KELLER:

Sustained.

BY MR. WATSON:

Ms. Smith.

BY MS. SMITH:

Sustained.

BY MR. WATSON:

Chair sustains, that challenge is sustained.

Diane Hunter Boyd. Mr. Keller.

BY MR. KELLER:

Sustained.

BY MR. WATSON:

Ms. Smith.

BY MS. SMITH:

Sustained.

BY MR. WATSON:

Chair sustains, challenge is sustained.

Daniel Marcus Boyd III. Mr. Keller.

BY MR. KELLER:

Sustained.

BY MR. WATSON:

Ms. Smith.

BY MS. SMITH:

Sustained.

BY MR. WATSON:
Chair sustains, that challenge is sustained.  
Ann Laird Jones. Mr. Keller.  

BY MR. KELLER:  
Overruled.  

BY MR. WATSON:  
Mr. Keller, did I understand you to say Ann Laird Jones overruled?  

BY MR. KELLER:  
Overruled.  

BY MR. WATSON:  
Ms. Smith.  

BY MS. SMITH:  
Sustained.  

BY MR. WATSON:  
Chair overrules, that challenge is overruled.  
Douglas Laird, that ballot was not returned so there is not an absentee ballot to consider on that one. That leaves only Patricia Ann Lyons, we'll hold the vote on that until a quarter till. I believe that concludes this hearing at this time as to those challenges. And we have one matter remaining open for vote or for receiving any additional evidence, until quarter till. At this time we'll be in recess until quarter till when we reconvene.
unless someone comes in before then and identifies themselves. Otherwise quarter till we'll reconvene and vote on this one file ---

BY MS PARKER:

We should probably wait on her until eleven.

BY MR. WATSON:

Is that going to cause a problem with the canvass?

BY MS. PARKER:

Not at all.

BY MR. WATSON:

About five till. It'll give us time to receive any new evidence and still get a canvass at eleven. We'll be in recess until then.

(OFF THE RECORD)

BY MR. WATSON:

Meeting is back in order. Patricia Ann Lyons. Patricia Ann Lyons. Is anyone here on behalf of Ms. Lyons? Go ahead and consider the file and information submitted on behalf of Ms. Lyons. It is 10:57, no one appearing on behalf of Ms. Lyons, Ms. Lyons personally not appearing. Call for a vote in regards to the challenge of Patricia Ann Lyons. Mr. Keller,
are you prepared to vote?

BY MR. KELLER:
I am indeed.

BY MR. WATSON:
What is your vote, sir?

BY MR. KELLER:
Sustained.

BY MR. WATSON:
Ms. Smith.

BY MS. SMITH:
Sustained.

BY MR. WATSON:
Chair sustains, Patricia Ann Lyons' challenge is sustained. That ballot will not be counted. That concludes all of the challenges brought in this hearing on the challenges. It is 10:58, by statute we start canvass at eleven, so we have two minutes to get our ducks in a row. Yes, sir, Mr. Standard.

BY MR. STANDARD:
You can answer or not answer. The challenges officially just for the absentee ballots that you ruled on, does anything have to happen with the remaining registered part or don't know?
BY MR. WATSON:

Our sustaining of the challenges based on the evidence before this Board is that they are not qualified to vote in North Carolina, or at least in that precinct -- let me put it that way. So yes, we will be looking at registration. I think I want to look a little more at the statute, maybe seek some guidance from the State Board, the process of that. But I think we will be looking ---

BY MR. STANDARD:

If we need to do anything.

BY MR. WATSON:

Thank you all for attending, appreciate those that have brought challenges and those that have taken time to appear and testify. Thank you all very much. This hearing is completed.

(PROCEEDINGS IN THE ABOVE-ENTITLED MATTER WERE ADJOURNED AT APPROXIMATELY 11:00 A.M.)
CERTIFICATE

I, Barbie M. Lane, CCR, CVR-M, Court Reporter and Notary Public, do hereby certify that the foregoing 61 pages are an accurate transcript of the Hearing of the Buncombe County Board of Elections, taken by me and transcribed under my supervision.

I further certify that I am not financially interested in the outcome of this action, a relative, employee, attorney or counsel of any of the parties, nor am I a relative or employee of such attorney or counsel.

This is the 23rd day of November, 2015.

___________________________________
BARBIE M. LANE, CCR, CVR-M
Notary Public No.: 19953050008

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